

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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:  
**PHILLIP GEROME GARDNER,**

**Plaintiff,**

**- against -**

**C.O. JOSEPH D'ADDEZIO, et al.,**

**Defendants.**  
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**SHIRA A. SCHEINDLIN, U.S.D.J.:**

**ORDER**

**07 Civ. 7201 (SAS)**

A review of the Court records indicates that an amended complaint in this action was filed on May 6, 2008, and that there is no proof of service of the summons and amended complaint on file. Rule 4(m) of the Federal Rules of Civil Procedure provides:

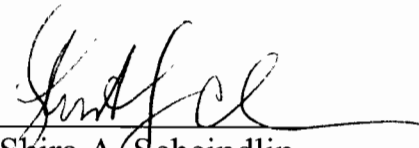
If service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice, as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period.

The plaintiff is directed to have the summons and amended complaint promptly served on the defendants by filling out and forwarding to the U.S. Marshal

the forms provided to plaintiff by the Pro Se Office.<sup>1</sup> If service is not made upon the defendants or plaintiff fails to show good cause why such service has not been effected by September 8, 2008, the Court will dismiss the action.

The Pro Se Office at the United States Courthouse, 500 Pearl Street, New York, New York 10007, telephone number (212) 805-0175, may be of assistance in connection with court procedures but cannot give legal advice.

SO ORDERED:



Shira A. Scheindlin  
U.S.D.J.

Dated: New York, New York  
May 12, 2008

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<sup>1</sup> The Court's Pro Se Office is hereby directed to send plaintiff a new summons and mailing package so that he may effect service of his Amended Complaint.

**- Appearances -**

**Plaintiff (Pro Se):**

Phillip Jerome Gardner  
# 00-A-1955  
Great Meadow Correctional Facility  
P.O. Box 51  
Comstock, NY 12821-0051

**For Defendants:**

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